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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,537	06/21/2001	Timothy J. Mills	G03.015	6399
28062	7590	11/03/2006	EXAMINER GRAHAM, CLEMENT B	
BUCKLEY, MASCHOFF, TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			ART UNIT 3692	PAPER NUMBER

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/886,537

Applicant(s)

MILLS, TIMOTHY J.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 112

1. Claims 1-28 remained pending in this application.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

Claim 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 10, 15, 18, 22, 26, 27 states "calculating a payment difference between said recurring lease payment and said recurring loan payment "however a loan is based on a lump sum for example of \$50,000, dollars and a lease is based on monthly payments, it is unclear how one of ordinary skill in the art would be able subtract these numbers to determine a difference ...". For further examination, the examiner interprets the limitation in light of this 112, second rejection.

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-28, are rejected under 35 U.S.C. 102(e) as being anticipated by Sheets U.S. Pub No: 2001/0049653.

As per claim 1, Sheets discloses a method for identifying an alternative financial product, comprising: calculating a payment difference between a loan and a lease for an item, said loan and said lease having a term, said payment difference including at least a recurring payment difference equal to the difference between a recurring payment for said loan and a recurring payment for said lease(see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) identifying an investment option, said investment option having an expected rate of return; and calculating an investment value at the end of said term based on investment of said

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payment difference in said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 2, Sheets discloses further comprising:  
comparing said investment value with a residual value of said item at the end of said term. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 3, Sheets discloses further comprising:  
offering said alternative financial product if said investment value is greater than or equal to said residual value, said alternative financial product including said recurring lease payment and a recurring investment option payment. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 4, Sheets discloses wherein the sum of said recurring lease payment and said recurring investment option payment equals said recurring payment for said loan. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 5, Sheets discloses wherein said difference further includes an initial payment difference equal to the difference between an initial payment for said loan and an initial payment for said lease. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 6, Sheets discloses wherein said alternative financial product further includes an initial payment equal to an initial payment difference between an initial payment for said loan and an initial payment for said lease. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 7, Sheets discloses wherein said investment option includes at least one of: a stock; a bond; a mutual fund; a money market fund; and a certificate of deposit. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 8, Sheets discloses wherein said investment option includes a plurality of investments selected from: stocks, bonds, mutual funds, money market funds, and certificates of deposit. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 9, Sheets discloses further comprising:  
receiving a payment for said alternative financial product;

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applying a first portion of said payment to satisfy a recurring payment obligation for said lease; and  
applying a second portion of said payment to increase a balance of said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 10, Sheets discloses an alternative financing method for an item, comprising:  
identifying a loan for said item, said loan having a lump sum payment and a recurring loan payment over a term;  
identifying a lease for said item, said lease having a recurring lease payment over said term and having a defined residual value for said item at the end of said term (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) calculating a payment difference between said recurring lease payment and said recurring loan payment;  
identifying an investment option, said investment option having an expected rate of return, calculating an investment value at the end of said term based on investment of said payment difference in said investment option during said term (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) and establishing said alternative financing method if said investment value is greater than or equal to said residual value. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 11, Sheets discloses further comprising:  
receiving a periodic payment for said alternative financing method; applying a first portion of said periodic payment to said recurring lease payment; and  
applying a second portion of said periodic payment to increase a balance of said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 12, Sheets discloses a purchase method, comprising:  
receiving a periodic payment for an item from a buyer;  
identifying a lease agreement associated with said item and said buyer; identifying a periodic lease payment amount;  
applying a first portion of said periodic payment to said periodic lease payment;  
identifying an investment option associated with said item and said buyer;

and applying a second portion of said periodic payment to increase a balance of said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 13, Sheets discloses wherein said investment option is selected by identifying a residual amount of said item at an end of said lease agreement and identifying an investment amount and said investment option

which will return an amount at least equal to said residual amount at said end of ' said lease agreement. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 14, Sheets discloses wherein the amount of said second portion is selected by identifying a difference between said periodic lease payment amount and a loan payment amount for said item. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 15, Sheets discloses apparatus for identifying an alternative financial product, the apparatus comprising:

a processor, a communication device, coupled to said processor, receiving application data; and a storage device in communication with said processor and storing instructions adapted to be executed by said processor to calculate a payment difference between a loan and a lease for an item, said loan and said lease having a term, said payment difference including at least a recurring payment difference equal to the difference between a recurring payment for said loan and a recurring payment for said lease(see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

identify an investment option, said investment option having an expected rate of return; and calculate an investment value at the end of said term based on investment of said payment difference in said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 16, Sheets discloses wherein said application data is received from a buyer device. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

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As per claim 17, Sheets discloses wherein said application is received from an input device. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 18, Sheets discloses 18. An apparatus for conducting an alternative financing technique, the apparatus comprising:

a processor; a communication device, coupled to said processor, receiving application data; and a storage device in communication with said processor and storing instructions adapted to be executed by said processor to (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023)

identify, based at least in part on said application data, a loan for an item, said loan having a lump sum payment and a recurring payment over a term; identify, based at least in part on said application data, a lease for said item, said lease having a recurring lease payment over said term and having a defined residual value for said item at the end of said term(see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) calculate a payment difference between said recurring lease payment and said recurring loan payment (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) identify an investment option, said investment option having an expected rate of return; calculate an investment value at the end of said term based on investment of said payment difference in said investment option during said term; and establish said alternative financing technique if said investment value is greater than or equal to said residual value. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 19, Sheets discloses where said storage device further stores instructions adapted to be executed by said processor to:

receive a payment for said alternative financial technique;

apply a first portion of said payment to satisfy a recurring payment obligation for said lease, and apply a second portion of said payment to increase a balance of said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

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As per claim 20, Sheets discloses wherein said application data is received from a buyer device. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 21, Sheets discloses wherein said buyer device is in communication with said communication device via a network connection. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 22, Sheets discloses a system for evaluating an application for an alternative financial product, the system comprising:

at least a first buyer device having a processor;

a communication device, coupled to said processor, configured to send and receive data over a network(see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) and a storage device in communication with said processor and storing

instructions adapted to be executed by said processor to forward application data to an at least first sales device; said at least first sales device having a second processor, a second

communication device, coupled to said second processor, configured to send and receive data over said network and to receive said application data (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) and a second storage device in

communication with said second processor ' and storing instructions adapted to be executed by said second processor to identify, based at least in part on said application data, a loan for an item, said loan having a lump sum payment and a recurring payment over a term (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023)

identify, based at least in part on said application data, a lease for said item, said lease having a recurring lease payment over said term and having a defined residual value for said item at the end of said term (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) calculate a payment difference between said recurring lease payment and said recurring loan payment;

identify an investment option, said investment option having an expected rate of return;

calculate an investment value at the end of said term based on investment of said payment difference in said investment option during said term (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023)



and generate terms and conditions for said alternative financing technique if said investment value is greater than or equal to said residual value. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 23, Sheets discloses wherein said second storage device further stores instructions adapted to be executed by said second processor to:

forward said terms and conditions of said alternative financing technique to said at least first buyer device. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 24, Sheets discloses wherein said first storage device further stores instructions adapted to be executed by said first processor to:

present said terms and conditions to a buyer; and

forward an acceptance of said terms and conditions to said at least first sales device. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 25, Sheets discloses wherein said acceptance is received by said at least first sales device and said second storage device further stores instructions adapted to be executed by said second processor to establish said alternative financing technique. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 26, Sheets discloses a computer program product in a computer readable medium for identifying an alternative financial product, comprising:

first instructions for calculating a payment difference between a loan and a lease for an item, said loan and said lease having a term, said payment difference including at least a recurring payment difference equal to the difference between a recurring payment for said loan and a recurring payment for said lease (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023)

second instructions for identifying an investment option, said investment option having an expected rate of return, and third instructions for calculating an investment value at the end of said term based on investment of said payment difference in said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 27, Sheets discloses a system for identifying an alternative financial product, comprising:

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means for calculating a payment difference between a loan and a lease for an item, said loan and said lease having a term, said payment difference including at least a recurring payment difference equal to the difference between a recurring payment for said loan and a recurring payment for said lease (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023) means for identifying an investment option, said investment option having an expected rate of return; and

means for calculating an investment value at the end of said term based on investment of said payment difference in said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

As per claim 28, Sheets discloses a purchasing system, comprising:

means for receiving a periodic payment for an item from a buyer; means for identifying a lease agreement associated with said item and said buyer (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023)

means for identifying a periodic lease payment amount;

means for applying a first portion of said periodic payment to said periodic lease payment,

means for identifying an investment option associated with said item and said buyer, and

means for applying a second portion of said periodic payment to increase a balance of said investment option. (see column 1 paragraphs 0005 and 0008 and column 2 paragraph 0017 and column 3 paragraph 0023).

### **Conclusion**

5. Applicant's arguments file 8/7/06 has been fully considered but they are moot in view of new grounds of rejections


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
